

FINANCE AND ADMINISTRATION CABINET



Guideline: Assignment of State-owned Vehicles

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Guideline: Assignment of State-owned Vehicles

I. PURPOSE

House Bill 269 mandates in Part III, Section 34(d) "...reduce the number of state vehicles assigned to agencies by an additional 500 vehicles..." and in Section 36(a) "...restrict permanently assigned vehicles to only the Court of Justice, Secretaries of the Executive Cabinet, law enforcement, or other public safety purposes."

The purpose of this guideline is to establish a statewide, uniform policy on the practice of assigning state-owned vehicles and to provide additional direction to implement the provisions of the bill.

II. RELEVANT POLICIES

KRS 11.065 Governor's Executive Cabinet

KRS 44.045 Motor vehicles, purchase for state use -- License plates -- Markings and administrative regulations.

KRS 44.060 Expense of operating vehicle used by state officer, employee or agent.

600 KAR 1:070 Motor pool procedures

600 KAR 1:120 Purchase, use, lease, maintenance and disposal of state-owned motor vehicles.

III. DEFINITIONS

- A. "Advantageous" means direct non-financial, work-related benefits accruing to the state.
- B. "Agency assigned vehicle" means a state-owned vehicle that is assigned to a specific organizational unit for daily use. Such vehicles would normally remain parked at the unit's office location overnight and when not in use for official business.
- C. "Agency specific motor pool" means a fleet of passenger carrying motor vehicles owned, operated, and maintained by a state agency other than the Transportation Cabinet. 600 KAR 1:120
- D. "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential. KRS 438.160
- E. "Emergency vehicle" means any vehicle used for emergency purposes by a fire department; any vehicle used for emergency purposes by the State Police, a public police department, Department of Corrections, or sheriff's office; any vehicle used for emergency purposes by a rescue squad; any publicly owned vehicle used for

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emergency purposes by an emergency management agency; any vehicle used to respond to emergencies or to transport a patient with a critical medical condition if the vehicle is operated by a Cabinet for Health Services-licensed ambulance provider or medical first-response provider; any vehicle commandeered by a police officer; or any motor vehicle used by a paid or volunteer fireman or paid or volunteer ambulance personnel or a paid or volunteer local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call. KRS 189.910(1).

- F. "Exempt vehicle" means a motor vehicle that is not part of the statewide motor pool. Exempt vehicles include vehicles purchased by the Kentucky State Police and state-supported universities, and non-passenger carrying motor vehicles with a weight rating greater than three-fourths (3/4) ton. 600 KAR 1:120
- G. "Line duty law enforcement officer" means an individual employed on a full-time basis by the Kentucky State Police, who is authorized by law to carry firearms, executes search warrants, and makes arrests, and who regularly carries firearms.
- H. "Passenger vehicle" means a motor vehicle whose primary purpose is to transport people. Passenger vehicles include vehicles with a weight rating of ¾ ton or less such as cars, sport utility vehicles, trucks, and vans.
- I. "Peace officer" means any sheriff, deputy sheriff, constable, deputy constable, sworn police officer, sworn enforcement officer of the Kentucky State Police or other duly authorized state law enforcement agency, and other persons with similar authority to make arrests under the provisions of the Kentucky Revised Statutes. KRS 35.010(20)
- J. "Permanently assigned vehicle" means a vehicle that is assigned to an individual who may park the vehicle at a private residence, which is approved by the secretary of the Finance and Administration Cabinet in accordance with KRS 44.045(2) and 600 KAR 1:120 Section 5(2). These vehicles are sometimes referred to as "take-home" vehicles.
- K. "Public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wideload or slow-moving trailers or trucks. KRS 189.910(2)
- L. "Secretaries of the Executive Cabinet" means agency heads who comprise the Governor's Executive Cabinet.
- M. "State vehicle" means any licensed motor vehicle owned, rented, or leased by the Commonwealth of Kentucky.
- N. "Specialty use vehicle" means state vehicles especially equipped for a specific function or purpose.

- O. "Statewide motor pool" means the fleet of passenger carrying motor vehicles operated, controlled and maintained by the Transportation Cabinet's Division of Fleet Management. 600 KAR 1:120

IV. AGENCY ASSIGNED VEHICLES

~~HB 269~~ Part III §34(d) "...reduce the number of state vehicles assigned to agencies by an additional 500 vehicles..."

There are three basic categories of agency assigned vehicles:

- Agency Specific Motor Pool Vehicles
- Agency Assigned Vehicles from the Statewide Motor Pool
- Exempt Vehicles

A. Agency Specific Motor Pool

Subject to the provisions of 600 KAR 1:120, an agency may request that the Finance and Administration Cabinet authorize the establishment of an agency specific motor pool. Agency Specific Motor Pool Vehicles shall remain at the central office or other state field facility when not in official use.

B. Agency Assigned Vehicles from the Statewide Motor Pool

An agency may request that vehicles be assigned from the Statewide Motor Pool to an organizational unit for that unit's exclusive use. An Agency Assigned Pool Vehicle must remain parked at the unit's office or other facility overnight and when not in use for official state business.

C. Exempt Vehicles

In accordance with ~~600~~ KAR 1:120, Exempt Vehicles are not part of the Statewide Motor Pool. Exempt Vehicles shall remain at the central office or other state field facility when not in official use.

D. Use of Agency Assigned Vehicles

Appropriate vehicle use is the responsibility of the using agency. The fleet must be managed in order to ensure use consistent with all applicable laws and policies. State agencies with agency specific motor pools must:

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- Advise employees that personal use of state-owned or operated passenger vehicles or other violation of KRS 44.045(2) and (4) constitutes grounds for disciplinary action pursuant to KRS 44.990;
- Establish internal policies and procedures designed to operate these vehicles at the lowest effective cost per mile;
- Maintain appropriate records and file all required reports on state-owned vehicle usage;
- Continuously review staffing assignments and field operations with the objective of minimizing travel; and
- Exercise maximum energy conservation practices in conducting official state business.

E. Criteria for Agency Assigned Vehicles

Agency Specific Motor Pool, Agency Assigned Statewide Motor Pool Vehicles, and Exempt Vehicles must continue to meet the following criteria:

- Not convenient to check vehicle out of the Statewide Motor Pool;
- Can be safely parked on state property or at a state office when not in use; and
- Driven 10,000 or more miles annually for official state business.

A vehicle may be agency assigned regardless of miles driven if it is:

1. Used by a Secretary of the Executive Cabinet;
2. Assigned to full-time line duty law enforcement officer;
3. Assigned to full-time peace officer;
4. An emergency vehicle;
5. A public safety vehicle;
6. A specialty use vehicle;
7. Used to transport equipment that is too large or heavy, or has special features that are impractical to transfer between vehicles or between a vehicle and a fixed location;
8. Required to be driven to sites or under conditions that would endanger privately owned vehicles; or
9. Purchased with only federal funds for a specific federal project.

F. Justification Requirements for Agency Specific Motor Pool

All agencies must provide written justification to the Secretary of the Finance and Administration Cabinet for the establishment of an agency specific motor pool and vehicles that comprise the pool. Those cabinets with existing delegated authorities from the Finance and Administration Cabinet must submit written justification to the Secretary during May 2003. The Kentucky State Police and Commonwealth universities are not required to provide justification to the Finance and Administration

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Cabinet for their vehicles. Other agency heads must provide information for review that includes the following:

- Why the statewide motor pool cannot be used;
- How many miles each vehicle will be driven monthly;
- How does the vehicle help accomplish the mission of the agency;
- What services are provided with the vehicle;
- What is the core function of the vehicle and how does this relate to the core functions of the agency;
- How many trips per day or days per month is the vehicle used; and
- How many passengers per month does the vehicle carry?

G. Justification Requirements for Other Agency Assigned Vehicles

An agency must provide justification to the Secretary of Transportation for the agency assignment of vehicles from the Statewide Motor Pool. Agency heads should submit the same information that is required for Agency Specific Motor Pools listed in section E to the Secretary of Transportation.

For Exempt Vehicles, agency heads are delegated the authority to purchase non-passenger vehicles, in accordance with 600 KAR 1:120 and FAP 111-20-00, without approval from the Finance and Administration Cabinet or Transportation Cabinet. In addition, the Kentucky State Police and Commonwealth universities may purchase vehicles without prior approval. However, the same justification for Agency Specific Motor Pools should be maintained at the agency level for each Exempt Vehicle purchased.

V. PERMANENTLY ASSIGNED STATE-OWNED VEHICLES

HB 269 Part III §36(a) "...restrict permanently assigned vehicles to only the Court of Justice, Secretaries of the Executive Cabinet, law enforcement, or other public safety purposes."

A. Permanent Assignment

A Permanently Assigned Vehicle is assigned to a specific employee who exclusively uses it in the performance of his or her duties. Because these vehicles may be parked at a private residence when not in use, they have often been referred to as "take-home" vehicles.

Vehicles may be permanently assigned to the Governor, Lieutenant Governor, Court of Justice, Secretaries of the Executive Cabinet, line duty law enforcement officers, peace officers, and to certain employees whose duties require the use of emergency vehicles or public safety vehicles.

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Commuting can be authorized only when it is advantageous to the Commonwealth, and not solely for the benefit of or as a perquisite for state employees. Commuting mileage may not be used when calculating official business mileage when required for justification of Permanently Assigned Vehicles.

Being "on call" does not necessarily merit a take-home vehicle assignment. Frequency and type of calls after normal working hours will be determining factors.

If a Permanently Assigned Vehicle or the use of the Permanently Assigned Vehicle no longer meets the criteria, it should be returned to the agency's motor pool, if exempt, or to the Statewide Motor Pool.

B. Criteria for Permanent Assignment

An agency head may request permanent assignment of the following vehicles.

1. Vehicle required for the sole use of the Governor, Lieutenant Governor, and Secretaries of the Executive Cabinet;
2. Specialty use vehicle assigned to full-time line duty law enforcement officer;
3. Specialty use vehicle assigned to full-time peace officer; and
4. Emergency vehicle and public safety vehicle if one of the following conditions is met.
 - Vehicle carries or is outfitted with special equipment needed to perform duties directly related to the employee's job, and the employee is either in an emergency response capacity after normal working hours or, for logistical reasons, it is determined to be in the Commonwealth's interest for the vehicle to remain with the employee.
 - Security or safety of the state employee is an issue. Such as when, because of darkness, late hour, isolated location, area has high incidence of crime, there is a threat to the personal security of the employee, or there is reasonable basis for concern of personal safety in returning a vehicle to state property.
 - State employee is required to be on call 24-hours per day to respond to emergencies associated with his or her position, and responds to more than ten (10) emergency calls each month after normal business hours.

C. Secured Parking Criteria

In special cases when secured parking is not available, a request for permanent assignment may be submitted to the Secretary of the Finance and Administration Cabinet for consideration. Such special situations would be vehicles that cannot be safely parked on state property because there is a strong potential for vandalism to or theft of the vehicle, tools or equipment.

Additional documentation to support the request shall include the following:

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- Estimate of the annual mileage each vehicle will be driven on official state business;
- Estimate of the annual mileage each vehicle will be driven for commuting;
- Explanation and documentation of the security problem; and
- Explanation of why it is necessary and/or cost-effective to use state resources to assign the employee a state vehicle rather than having the employee use a motor pool or personal vehicle.

D. Criteria When a State Employee's Residence is the Official Workstation

When a state employee's residence is his or her official workstation, a request for permanent assignment may be submitted to the Secretary of the Finance and Administration Cabinet for consideration. The following criteria must be met:

- The vehicle is driven more than 10,000 miles annually for official business;
- The employee's residence is more than 25 miles from the closest location of the agency's office or other state property where state-owned passenger vehicles are parked; and
- The employee does not typically go to the agency's office or other agency facility more than twice each week.

E. Justification Requirements for Permanent Assignment

Whether a Permanently Assigned Vehicle is a Statewide Motor Pool Vehicle, an Exempt Vehicle, or part of an Agency Specific Motor Pool, an agency must provide written justification to the Secretary of the Finance and Administration Cabinet.

1. Justification for a vehicle permanently assigned to the Governor, the Lieutenant Governor or a Secretary of the Executive Cabinet shall include:
 - Driver name and position; and
 - Vehicle identification information.
2. Justification for permanently assigned specialty use vehicles assigned to full-time Kentucky State Police officers shall include:
 - Affirmation from the agency head that the vehicles will be used exclusively by the assigned officers for official business and commuting;
 - Count of the number of marked, unmarked, confidential, and special purpose vehicles that are permanently assigned.

Kentucky State Police shall maintain for audit a list of officers who are permanently assigned a vehicle, their home addresses, and vehicle information.

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3. Justification for a permanently assigned specialty use vehicle to a full-time peace officer, excluding Kentucky State Police officers, shall include:
 - Affirmation that the vehicle will be used exclusively by the assigned officer for official business;
 - Driver name and position;
 - Private residence address; and
 - Vehicle identification information.
4. Justification for a permanently assigned emergency vehicle or a permanently assigned public safety vehicle shall include:
 - Affirmation that the vehicle will be used exclusively by the assigned employee;
 - Driver name and position;
 - Private residence address;
 - Vehicle identification information;
 - Why the statewide motor pool, agency specific motor pool or agency assigned vehicle cannot be used;
 - Estimated miles the permanently assigned vehicle will be driven monthly for official use;
 - Estimated miles the permanently assigned vehicle will be driven monthly for commuting;
 - How the vehicle helps accomplish the mission of the agency;
 - What services are provided with the vehicle; and
 - Estimated trips per day or days per month the vehicle is used.

F. Reassignment and Penalties

Permanent assignment of vehicles may be revoked, and the penalties described in KRS 44.990 and KRS 18A.095 may be imposed, if any of the following occur:

- The vehicle is used for any purpose other than official state business.
- The vehicle is driven less than 10,000 miles annually and when the assignment of the vehicle cannot otherwise be reasonably justified.
- An unauthorized person is permitted to use a state-owned vehicle.
- Required reports are not submitted, or if the reports are inaccurate, incomplete or unacceptable and corrections are not made within 30 days of request.
- False information is willfully and knowingly submitted on any report.
- Reports or forms are not signed properly and correction is not made within 30 days of request.
- Vehicle abuse occurs. Abuse includes, but is not limited to, improper care and maintenance of the vehicle, willful damage to the vehicle, and reckless disregard for the safe operation of the vehicle.
- Proper vehicle accident reports are not filed.
- Other policies are willfully violated.

VI. REPORTING REQUIREMENTS

- A. Annually, following the close of the fiscal year, the Transportation Cabinet's Division of State Fleet Management will prepare and distribute to each agency a listing of vehicles assigned to the agency and its employees.

Each agency shall report the annual mileage for each vehicle. For each Permanently Assigned Vehicle, the agency shall report the mileage for official business and for commuting. The agency shall also note any changes that affect the justification previously submitted for the vehicle.

- B. Semiannually in September and March, each agency shall provide a list of Permanently Assigned Vehicles to the Secretary of the Finance and Administration Cabinet. The report shall be arranged by organizational unit, include the name of the driver, and note which of the criteria in section V apply to each vehicle.
- C. For each Agency Assigned Vehicle that does not meet annual mileage requirements, the using agency shall furnish the Finance and Administration Cabinet with justification for continued retention of the vehicle. If the agency cannot justify such lower mileage, agency assignment shall be revoked immediately.

VII. DISPOSING OF IDENTIFIED EXCESS AGENCY VEHICLES

Agency assigned vehicles that do not meet the relevant criteria must be removed from an agency's motor pool. Vehicles agency assigned from the Statewide Motor Pool shall be returned to the Pool. State agencies must dispose of identified excess agency specific motor pool vehicles as quickly as possible. The disposal of such vehicles is the responsibility of the agency.

Agencies should dispose of agency-specific and exempt vehicles through the procedure in FAP 118-13-00. In accordance with FAP 118-13-00(11) and unless an agency has a specific delegated authority, the Secretary of the Finance and Administration Cabinet must approve all requests to surplus or dispose of a vehicle or other similar licensed equipment.

Agencies must certify successful disposal of identified excess Agency Specific Motor Pool and Exempt Vehicles to the Finance and Administration Cabinet and notify the Transportation Cabinet for inventory control purposes.